

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

United States of America,)	
)	
)	
vs.)	Case No. 08-0304-01-CR-W-FJG
)	
Mitchell R. Green, Jr.)	
)	
)	

ORDER

Pending before the Court is the issue of defendant's competency. On May 15, 2009, defendant filed a motion for determination of competency (Doc. #26). Thereafter, on August 5, 2009, United States Magistrate Judge Robert E. Larsen held a hearing regarding defendant's competency at which time the parties stipulated to a report prepared by Jeremiah Dwyer, Ph.D. That report concluded that defendant does not suffer from a major mental disorder that would impair his present ability to understand the nature and consequences of the proceedings against him, or to properly assist in his defense.

Judge Larsen issued a report and recommendation (Doc. #33), filed August 6, 2009, finding that defendant is competent to stand trial and to assist in his defense. Objections to the report and recommendation were waived by counsel at the August 5, 2009, competency hearing.

The Court, after independent review of the record, including the hearing transcript and applicable law, finds that defendant is not currently suffering from a mental disease or defect which would prevent him from understanding the nature and consequences of the proceedings against him or assist in his own defense.

IT IS SO ORDERED.

/s/Fernando J. Gaitan, Jr.
Chief Judge Fernando J. Gaitan, Jr.
United States District Judge

Dated: 09/03/09
Kansas City, Missouri